

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No.: 10/530,674

Attorney Docket No.: Q87401

REMARKS

Claim 5 has been canceled. Therefore, on entering this amendment, claims 1-5 are all the claims pending in the application.

Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto et al.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. (JP 2002-136095) in view of Miyamoto et al. (WO 99/41825).

Applicant's arguments filed March 6, 2006 have been fully considered, but they are not persuasive.

The Applicants traverse the rejections and request reconsideration.

Claim rejections under 35 U.S.C. § 102

Rejection of claims 1 and 2 under 35 U.S.C. 102(b) based on Miyamoto et al. and rejection of claims 1-5 under section 103 based on Miyamoto and Maekawa

The Applicants respectfully amend claim 1 to include limitations from claim 5.

Therefore, the section 102 rejection of claims 1 and 2 based on Miyamoto is rendered moot. The Applicants now address the rejections under section 103.

The present invention required a plurality of movers each formed from an armature having a polyphase balancing winding. A stator having a permanent magnet or a secondary conductor is provided. The plurality of movers are disposed so as to face each other with a gap therebetween on the stator. The polyphase balancing windings in the respective movers are connected in series. Importantly claim 1 (as amended) requires a thermister to be incorporated in each of the plurality of movers.

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Using such a configuration, even when an anomalous temperature arises in any one of the phase windings in any one of the movers, the anomaly can be detected appropriately and the mover can be thermally protected (refer to pg. 10, lines 1-18 of the Specification as filed).

However, in Miyamoto et al. (WO 99/41825), a spacer 6 is provided between the block cores (31, 32, 33), and a temperature sensor such as a thermister is inserted in a space corresponding to the spacer 6. In Miyamoto, the temperature sensor is not incorporated in the mover.

The temperature sensor of Miyamoto measures a temperature of the armature coils. Therefore, in Miyamoto, it is not expected that even when an anomalous temperature arises in any one of the phase windings in any one of the movers, the anomaly can be detected appropriately and the mover can be thermally protected.

In addition, in Miyamoto, a first block core 31, a second block core 32 and a third block core 33 are connected via the spacer 6. However, in the present invention, the plurality of movers is not connected with each other via a spacer.

Therefore, the configuration and effect of the linear motor of Miyamoto are different from those of the linear motor of the present invention.

Maekawa does not overcome the deficiencies noted in the teachings of Miyamoto.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

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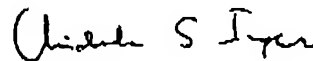
Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Applicants respectfully submit that the patent office has not satisfied the burden of establishing *prima facie* obviousness at least because it has not satisfied at least the "all limitations" and "motivation" prongs of the three prong test for obviousness.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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